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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 BURT DANIELS,

9 Plaintiff,

10 v.

11 VAN HOOK,

12 Defendant.

CASE NO. 3:16-CV-05874-RBL-DWC

ORDER GRANTING MOTION TO  
CONSOLIDATE

13 The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate  
14 Judge David W. Christel. Presently before the Court is Plaintiff's Motion to Consolidate Water  
15 Claims ("Motion"). Dkt. 12.<sup>1</sup> Plaintiff requests the Court consolidate his claims related to the  
16 potable water at the Special Commitment Center ("SCC") in this case with *Malone v. Strong*,  
17 Case No. 3:16-cv-5284-RBL-DWC. *Id.* Defendant did not file a response to the Motion. After  
18 reviewing the Motion, attached declaration, and relevant record, the Motion is granted. The  
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21 <sup>1</sup> Pursuant to Local Rule 42, a motion to consolidate should be filed in the earliest filed case, which in this  
22 case would be *Malone v. Strong*, Case No. 3:16-cv-5284-RBL-DWC, and notice should be filed in the later filed  
23 case. Here, the Motion was filed in the later filed case without a motion or notice being filed in the earlier case.  
24 Local Rule 42 also requires parties to meet and confer and attempt to reach an agreement regarding consolidation of  
the cases. There is no evidence the parties met and conferred in this case. If counsel intends to consolidate future  
cases with *Malone v. Strong*, the Motion should be filed in *Malone v. Strong* with notice in the later filed case.  
Additionally, the Motion should indicate if the parties met and conferred and if the parties agree to the  
consolidation, a stipulation to consolidate should be filed. In the interests of justice, the Court will consider the  
Motion in this case and consolidate the current case with *Malone v. Strong*.

1 claims in this case related to the potable water at SCC are consolidated with *Malone v Strong*,  
2 Case No. 3:16-cv-5284-RBL-DWC.

3 Dated this 15th day of February, 2017.

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6 David W. Christel  
7 United States Magistrate Judge  
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